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Federal Communications Commission
Office of the Secretary

TESTIMONY FROM THE TREATY PERSPECTIVE ON THE FEDERAL COMMUNICATION COMMISSION "LOCALISM" HEARING

"set apart for the undisturbed use and occupation of the Indians herein named"

Article II 1868 Fort Laramie Treaty

From time immemorial, the Oglala Band of the Great Tetuwan Lakota Nation have held that treaty territory promised and pledged by the United States would be used solely for the building of a sovereign nation that our children and the coming generations would be proud to call "Lakota Territory". A territory, which would embrace traditional laws of custom in which to govern ourselves and develop a sustained economy, based upon the usage of the vast resources held "in common" for the Lakota people by the Lakota people.

History of this nation has proven otherwise to the extent that the Oglala Band have become enslaved to a system that to this day remains totally foreign and goes against the traditional teachings of our ancestors. Although we have been able to adapt to a way of life that was thrust on our ancestors years ago, we continue to see the constant use and depredation of our treaty territory to benefit economies of non-native communities instead of the rightful owners of this area by a Supreme Law.

The Federal Communications Commission is gathered here to listen and possibly learn from common people who share one goal in mind...diversity in the airwaves.

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Today we see that the use of the airwaves and who controls that use can also control how people perceive other cultures. For years the Native Americans have been viewed by the media and television in South Dakota as second-class citizens whose only purpose is to draw people to this area in the tourist seasons and are perceived that all Indians wear orange jumpsuits.

Non-Indians have been in control of how we are seen from the days of watching Indians surround the wagon trains in the television western shows to the takeover of the Bureau of Indian Affairs building in Washington D.C. All very stereotypical in showing that the Indian is nothing but a heathen savage and radical that requires total ignorance on the part of mainstream America. This is what has been shown throughout the years in front of our children who we try to raise to be proud of their Lakota heritage.

The similarities between the Lakota and Muslim people is not a coincidence in the sense that both have been portrayed in movies, that are replayed on television, and mainstream media as cultures to be afraid of because of our views and the color of our skin. Just as we have seen John Wayne taking care of the Indian problem in the westerns, we also see Arnold Schwarzenegger blowing away the Middle Eastern terrorist to save the world. As a consequence of those stereotypical portrayals of our cultures in mainstream media and television, Native Americans are subjected to failing federal Indian policies that continues to violate our rights as a Sovereign Nation - and as for Muslim people, well one can only look at what is happening in Iraq. The FCC must realize the importance of diversity in the airwaves whether through radio or television to prevent false images of a proud people and a balance must be found.

The Federal Communications Commission agency in acting for the United States Government has a fiduciary trust responsibility to assist the Oglalas in utilizing trust resources for the benefit of the Lakota people, which includes the unresolved "airspace" *within sovereign territories as recognized in the 1851 and 1868 Fort Laramie Treaties.* The airwaves that carry the messages through the air is viewed as a natural resource to which the Oglala Sioux must assert authority to protect not only what we see as a

sovereign issue but also to protect our children's future from stereotypical images portrayed to America via radio and television.

How we arrived at the statement of asserting authority over the airwaves is vested solely in agreements made between two sovereign nations called treaties. As the founding fathers of this nation were interpreting - through federalist papers - the United States Constitution in the late 1700's, support was given to recognizing Indians as separate nations and afforded all respect as such by forging solemn agreements considered Supreme Law in article VI. Although airwaves is not explicitly written in the Fort Laramie treaties of 1851 or 1868, we reserve onto ourselves the right of senior ownership of a natural resource within treaty territory. This right of senior ownership is similar to water that was also not explicitly expressed in the treaties but was implied in the 1908 Winters Doctrine which remains the foundation of reserved water rights of Indian nations throughout the United States.

Supreme Court canons of treaty construction support the Oglala Lakota's assertion of our sovereign right to an intangible property that could be used to benefit our people and to further the education of our culture to ensure the survival of a people whose ancestors pledged their honor to *maintain peaceful relations between two nations*. A relationship based on a solemn trust that requires the building of bridges and understanding between two cultures, who remains steadfast in their beliefs to life, liberty and the pursuit of happiness and the other who believes in a Supreme Law and their sovereignty – whereas diversity within the airwave spectrum via radio or television can enhance that understanding.

Wopila / Thank you

Respectfully yours


Johnson Holy Rock



TREATY OF FORT LARAMIE

September 17, 1851

Articles of a treaty made and concluded at Fort Laramie, in the Indian Territory, between D. D. Mitchell, superintendent of Indian affairs, and Thomas Fitzpatrick, Indian agent, commissioners specially appointed and authorized by the President of the United States, of the first part, and the chiefs, headmen, and braves of the following Indian nations, residing south of the Missouri River, east of the Rocky Mountains, and north of the lines of Texas and New Mexico, viz, the Sioux or Dahcotahs, Cheyennes, Arrapahoes, Crows, Assinaboines, Gros-Ventre Mandans, and Arrickaras, parties of the second part, on the seventeenth day of September, A.D. one thousand eight hundred and fifty-one. (a)

ARTICLE 1. The aforesaid nations, parties to this treaty, having assembled for the purpose of establishing and confirming peaceful relations amongst themselves, do hereby covenant and agree to abstain in future from all hostilities whatever against each other, to maintain good faith and friendship in all their mutual intercourse, and to make an effective and lasting peace.

ARTICLE 2. The aforesaid nations do hereby recognize the right of the United States Government to establish roads, military and other posts, within their respective territories.

ARTICLE 3. In consideration of the rights and privileges acknowledged in the preceding article, the United States bind themselves to protect the aforesaid Indian nations against the commission of all depredations by the people of the said United States, after the ratification of this treaty.

ARTICLE 4. The aforesaid Indian nations do hereby agree and bind themselves to make restitution or satisfaction for any wrongs committed, after the ratification of this treaty, by any band or individual of their people, on the people of the United States, whilst lawfully residing in or passing through their respective territories.

ARTICLE 5. The aforesaid Indian nations do hereby recognize and acknowledge the following tracts of country, included within the metes and boundaries hereinafter designated, as their respective territories, viz;

The territory of the Sioux or Dahcotah Nation, commencing the mouth of the White Earth

River, on the Missouri River; thence in a southwesterly direction to the forks of the Platte River; thence up the north fork of the Platte River to a point known as the Red Butts, or where the road leaves the river; thence along the range of mountains known as the Black Hills, to the head-waters of Heart River; thence down Heart River to its mouth; and thence down the Missouri River to the place of beginning.

The territory of the Gros Ventre, Mandans, and Arrickaras Nations, commencing at the mouth of Heart River; thence up the Missouri River to the mouth of the Yellowstone River; thence up the Yellowstone River to the mouth of Powder River in a southeasterly direction, to the head-waters of the Little Missouri River; thence along the Black Hills to the head of Heart River, and thence down Heart River to the place of beginning.

The territory of the Assinaboin Nation, commencing at the mouth of Yellowstone River; thence up the Missouri River to the mouth of the Muscle-shell River; thence from the mouth of the Muscle-shell River in a southeasterly direction until it strikes the head-waters of Big Dry Creek; thence down that creek to where it empties into the Yellowstone River, nearly opposite the mouth of Powder River, and thence down the Yellowstone River to the place of beginning.

The territory of the Blackfoot Nation, commencing at the mouth of Muscle-shell River; thence up the Missouri River to its source; thence along the main range of the Rocky Mountains, in a southerly direction, to the head-waters of the northern source of the Yellowstone River; thence down the Yellowstone River to the mouth of Twenty-five Yard Creek; thence across to the head-waters of the Muscle-shell River, and thence down the Muscle-shell River to the place of beginning.

The territory of the Crow Nation, commencing at the mouth of Powder River on the Yellowstone; thence up Powder River to its source; thence along the main range of the Black Hills and Wind River Mountains to the head-waters of the Yellowstone River; thence down the Yellowstone River to the mouth of Twenty-five Yard Creek; thence to the head waters of the Muscle-shell River; thence down the Muscle-shell River to its mouth; thence to the head-waters of Big Dry Creek, and thence to its mouth.

The territory of the Cheyennes and Arrapahoes, commencing at the Red Bute, or the place where the road leaves the north fork of the Platte River; thence up the north fork of the Platte River to its source; thence along the main range of the Rocky Mountains to the head-waters of the Arkansas River; thence down the Arkansas River to the crossing of the Santa Fe' road; thence in a northwesterly direction to the forks of the Platte River, and thence up the Platte River to the place of beginning.

It is, however, understood that, in making this recognition and acknowledgement, the aforesaid Indian nations do not hereby abandon or prejudice any rights or claims they may have to other lands; and further, that they do not surrender the privilege of hunting, fishing, or passing over any of the tracts of country heretofore described.

ARTICLE 6. The parties to the second part of this treaty having selected principals or head-chiefs for their respective nations, through whom all national business will hereafter be conducted, do hereby bind themselves to sustain said chiefs and their successors during good behavior.

ARTICLE 7. In consideration of the treaty stipulations, and for the damages which have or may occur by reason thereof to the Indian nations, parties hereto, and for their maintenance and the improvement of their moral and social customs, the United States bind themselves to deliver to the said Indian nations the sum of fifty thousand dollars per annum for the term of ten years, with the right to continue the same at the discretion of the President of the United States for a period not exceeding five years thereafter, in provisions merchandise, domestic animals, and agricultural implements, in such proportions as may be deemed best adapted to their condition by the President of the United States, to be distributed in proportion to the population of the aforesaid Indian nations.

ARTICLE 8. It is understood and agreed that should any of the Indian nations, parties to this treaty, violate any of the provisions thereof, the United States may withhold the whole or a portion of the annuities mentioned in the preceding article from the nation so offending, until, in the opinion of the President of the United States, proper satisfaction shall have been made.

In testimony whereof the said D. D. Mitchell and Thomas Fitzpatrick commissioners as aforesaid, and the chiefs, headmen, and braves, parties hereto, have set their hands and affixed their marks, on the day and at the place first above written.

D. D. Mitchell
Thomas Fitzpatrick
Commissioners.

Assinaboines:
Mah-toe-wit-ko, his x mark,
Toe-tah-ki-eh-nan, his x mark,

Sioux:
Mah-toe-wha-you-whey, his x mark,
Mah-kah-toe-zah-zah, his x mark,
Bel-o-ton-kah-tan-ga, his x mark,
Nah-ka-pah-gi-gi, his x mark,
Mak-toe-sah-bi-chis, his x mark,
Meh-wha-tah-ni-hans-kah, his x mark,

Mandans and Gros Ventres:
Nochk-pit-shi-toe-pish, his x mark,
She-oh-mant-ho, his x mark,

Arickarees:
Koun-hei-ti-shan, his x mark,
Bi-atch-tah-wetch, his x mark,

Cheyennes:
Wah-ha-nis-satta, his x mark,
Voist-ti-toe-vetz, his x mark,
Nahk-ko-me-ien, his x mark,
Koh-kah-y-wh-cum-est, his x mark,

In the presence of---

Arrapahoes:
Be-ah-te,-a-qui-sah, his x mark,
Neb-ni-bah-seh-it, his x mark,
Beh-kah-jay-beth-sah-es, his x mark,

A. B. Chambers, secretary.
S. Cooper, colonel, U. S. Army.
R. H. Chilton, captain, First Drags.
Thomas Duncan, captain, Mounted Riflemen.
Thos. G. Rhett, brevet captain R. M. R.
W. L. Elliott, first lieutenant R. M. R.
C. Campbell, interpreter for Sioux.
John S. Smith, interpreter for Cheyennes.
Robert Meldrum, interpreter for the Crows.
H. Culbertson, interpreter for Assiniboines and Gros Ventres.
Francois L'Etalie, interpreter for Arickarees.
John Pizelle, interpreter for the Arrapahoes.
B. Gratz Brown.
Robert Campbell.
Edmond F. Chouteau.

Crows:
Arra-tu-ri-sash, his x mark,
Doh-chepit-seh-chi-es, his x mark,



**TREATY WITH THE SIOUX-- BRULÉ, OGLALA, MINICONJOU,
YANKTONAI, HUNKPAPA, BLACKFEET, CUTHEAD, TWO KETTLE, SANS
ARCS, AND SANTEE--AND ARAPAHO**

Apr. 29, 1868

15 Stats., 635.

Ratified, Feb. 16, 1869.

Proclaimed, Feb. 24, 1869.

Articles of a treaty made and concluded by and between Lieutenant-General William T. Sherman, General William S. Harney, General Alfred H. Terry, General C. C. Augur, J. B. Henderson, Nathaniel G. Taylor, John B. Sanborn, and Samuel F. Tappan, duly appointed commissioners on the part of the United States, and the different bands of the Sioux Nation of Indians, by their chiefs and head-men, whose names are hereto subscribed, they being duly authorized to act in the premises.

[War to cease and peace to be kept.]

ARTICLE 1. From this day forward all war between the parties to this agreement shall forever cease. The Government of the United States desires peace, and its honor is hereby pledged to keep it. The Indians desire peace, and they now pledge their honor to maintain it.

[Offenders against the Indians to be arrested, etc.]

If bad men among the whites, or among other people subject to the authority of the United States, shall commit any wrong upon the person or property of the Indians, the United States will, upon proof made to the agent and forwarded to the Commissioner of Indian Affairs at Washington City, proceed at once to cause the offender to be arrested and punished according to the laws of the United States, and also re-imburse the injured person for the loss sustained.

[Wrongdoers against the whites to be punished.]

If bad men among the Indians shall commit a wrong or depredation upon the person or property of any one, white, black, or Indian, subject to the authority of the United States, and at peace therewith, the Indians herein named solemnly agree that they will, upon proof made to their agent and notice by him, deliver up the wrong-doer to the United States, to be tried and punished according to its laws; and in case they wilfully refuse so to do, the person injured shall

[Damages.]

re-imbursed for his loss from the annuities or other moneys due or to become due to them under this or other treaties made with the United States. And the President, on advising with the Commissioner of Indian Affairs, shall prescribe such rules and regulations for ascertaining damages under the provisions of this article as in his judgment may be proper. But no one sustaining loss while violating the provisions of this treaty or the laws of the United States shall be re-imbursed therefor.

[Reservation boundaries.]

ARTICLE 2. The United States agrees that the following district of country, to wit, viz: commencing on the east bank of the Missouri River where the forty-sixth parallel of north latitude crosses the same, thence along low-water mark down said east bank to a point opposite where the northern line of the State of Nebraska strikes the river, thence west across said river, and along the northern line of Nebraska to the one hundred and fourth degree of longitude west from Greenwich, thence north on said meridian to a point where the forty-sixth parallel of north latitude intercepts the same, thence due east along said parallel to the place of beginning; and in addition thereto, all existing reservations on the east bank of said river shall be, and the same is, set apart for the absolute and undisturbed use and occupation of the Indians herein named, and for such other friendly tribes or individual Indians as from time to time they may be willing, with the consent of the United States, to

[Certain persons not to enter or reside thereon.]

admit amongst them; and the United States now solemnly agrees that no persons except those herein designated and authorized so to do, and except such officers, agents, and employes of the Government as may be authorized to enter upon Indian reservations in discharge of duties enjoined by law, shall ever be permitted to pass over, settle upon, or reside in the territory described in this article, or in such territory as may be added to this reservation for the use of said Indians, and henceforth they will and do hereby relinquish all claims or right in and to any portion of the United States or Territories, except such as is embraced within the limits aforesaid, and except as hereinafter provided.

[Additional arable land to be added, if, etc.]

ARTICLE 3. If it should appear from actual survey or other satisfactory examination of said tract of land that it contains less than one hundred and sixty acres of tillable land for each person who, at the time, may be authorized to reside on it under the provisions of this treaty, and a very considerable number of such persons shall be disposed to commence cultivating the soil as farmers, the United States agrees to set apart, for the use of said Indians, as herein provided, such additional quantity of arable land, adjoining to said reservation, or as near to the same as it can be obtained, as may be required to provide the necessary amount.

[Buildings on reservation.]

ARTICLE 4. The United States agrees, at its own proper expense, to construct at some place on the Missouri River, near the center of said reservation, where timber and water may be

convenient, the following buildings, to wit: a warehouse, a store-room for the use of the agent in storing goods belonging to the Indians, to cost not less than twenty-five hundred dollars; an agency-building for the residence of the agent, to cost not exceeding three thousand dollars; a residence for the physician, to cost not more than three thousand dollars; and five other buildings, for a carpenter, farmer, blacksmith, miller, and engineer, each to cost not exceeding two thousand dollars; also a schoolhouse or mission-building, so soon as a sufficient number of children can be induced by the agent to attend school, which shall not cost exceeding five thousand dollars.

The United States agrees further to cause to be erected on said reservation, near the other buildings herein authorized, a good steam circular-saw mill, with a grist-mill and shingle-machine attached to the same, to cost not exceeding eight thousand dollars.

[Agent's residence, office, and duties.]

ARTICLE 5. The United States agrees that the agent for said Indians shall in the future make his home at the agency-building; that he shall reside among them, and keep an office open at all times for the purpose of prompt and diligent inquiry into such matters of complaint by and against the Indians as may be presented for investigation under the provisions of their treaty stipulations, as also for the faithful discharge of other duties enjoined on him by law. In all cases of depredation on person or property he shall cause the evidence to be taken in writing and forwarded, together with his findings, to the Commissioner of Indian Affairs, whose decision, subject to the revision of the Secretary of the Interior, shall be binding on the parties to this treaty.

[Heads of families may select lands for farming.]

ARTICLE 6. If any individual belonging to said tribes of Indians, or legally incorporated with them, being the head of a family, shall desire to commence farming, he shall have the privilege to select, in the presence and with the assistance of the agent then in charge, a tract of land within said reservation, not exceeding three hundred and twenty acres in extent, which tract, when so selected, certified, and recorded in the "land-book," as herein directed, shall cease to be held in common, but the same may be occupied and held in the exclusive possession of the person selecting it, and of his family, so long as he or they may continue to cultivate it.

[Others may select land for cultivation.]

Any person over eighteen years of age, not being the head of a family, may in like manner select and cause to be certified to him or her, for purposes of cultivation, a quantity of land not exceeding eighty acres in extent, and thereupon be entitled to the exclusive possession of the same as above directed.

[Certificates.]

For each tract of land so selected a certificate, containing a description thereof and the name of the person selecting it, with a certificate endorsed thereon that the same has been recorded, shall be delivered to the party entitled to it, by the agent, after the same shall have been recorded by him in a book to be kept in his office, subject to inspection, which said book shall be known as the "Sioux Land-Book."

[Surveys.]

The President may, at any time, order a survey of the reservation, and, when so surveyed, Congress shall provide for protecting the rights of said settlers in their improvements, and may fix the character of the title held by each. The United States may pass such laws on the subject of

[Alienation and descent of property.]

alienation and descent of property between the Indians and their descendants as may be thought proper. And it is further stipulated that any male Indians, over eighteen years of age, of any band or tribe that is or shall hereafter become a party to this treaty, who now is or who shall hereafter become a resident or occupant of any reservation or Territory not included in the tract of country designated and described in this treaty for the permanent home of the Indians, which is not mineral land, nor reserved by the United States for special purposes other than Indian occupation, and who shall have made improvements thereon of the value of two hundred dollars or more, and continuously occupied the same as a homestead for the term of three years, shall be entitled to receive from

[Certain Indians may receive patents for 160 acres of land.]

the United States a patent for one hundred and sixty acres of land including his said improvements, the same to be in the form of the legal subdivisions of the surveys of the public lands. Upon application in writing, sustained by the proof of two disinterested witnesses, made to the register of the local land-office when the land sought to be entered is within a land district, and when the tract sought to be entered is not in any land district, then upon said application and proof being made to the Commissioner of the General Land-Office, and the right of such Indian or Indians to enter such tract or tracts of land shall accrue and be perfect from the date of his first improvements thereon, and shall continue as long as he continues his residence and improvements, and no

[Such Indians receiving patents to become citizens of the United States.]

longer. And any Indian or Indians receiving a patent for land under the foregoing provisions, shall thereby and from thenceforth become and be a citizen of the United States, and be entitled to all the privileges and immunities of such citizens, and shall, at the same time, retain all his rights to benefits accruing to Indians under this treaty.

[Education.]

ARTICLE 7. In order to insure the civilization of the Indians entering into this treaty, the necessity of education is admitted, especially of such of them as are or may be settled on said agricultural reservations,

[Children to attend school.]

and they therefore pledge themselves to compel their children, male and female, between the ages of six and sixteen years, to attend school; and it is hereby made the duty of the agent for

said Indians to see that this stipulation is strictly complied with; and the United States agrees that for every thirty children between said ages who can be induced or

[Schoolhouses and teachers.]

compelled to attend school, a house shall be provided and a teacher competent to teach the elementary branches of an English education shall be furnished, who will reside among said Indians, and faithfully discharge his or her duties as a teacher. The provisions of this article to continue for not less than twenty years.

[Seeds and agricultural implements.]

ARTICLE 8. When the head of a family or lodge shall have selected lands and received his certificate as above directed, and the agent shall be satisfied that he intends in good faith to commence cultivating the soil for a living, he shall be entitled to receive seeds and agricultural implements for the first year, not exceeding in value one hundred dollars, and for each succeeding year he shall continue to farm, for a period of three years more, he shall be entitled to receive seeds and implements as aforesaid, not exceeding in value twenty-five dollars.

[Instructions in farming.]

And it is further stipulated that such persons as commence farming shall receive instruction from the farmer herein provided for, and whenever more than one hundred persons shall enter upon the cultivation of the soil, a

[Second blacksmith.]

second blacksmith shall be provided, with such iron, steel, and other material as may be needed.

ARTICLE 9. At any time after ten years from the making of this treaty, the United States shall have the privilege of withdrawing the physician,

[Physician, farmer, etc., may be withdrawn.]

farmer, blacksmith, carpenter, engineer, and miller herein provided for, but in case of such withdrawal, an additional sum thereafter of ten

[Additional appropriation in such cases.]

thousand dollars per annum shall be devoted to the education of said Indians, and the Commissioner of Indian Affairs shall, upon careful inquiry into their condition, make such rules and regulations for the expenditure of said sum as will best promote the educational and moral improvement of said tribes.

[Delivery of goods in lieu of money or other annuities.]

ARTICLE 10. In lieu of all sums of money or other annuities provided to be paid to the Indians herein named, under any treaty or treaties heretofore made, the United States agrees to deliver

at the agency-house on the reservation herein named, on or before the first day of August of each year, for thirty years, the following articles, to wit:

[Clothing.]

For each male person over fourteen years of age, a suit of good substantial woolen clothing, consisting of coat, pantaloons, flannel shirt, hat, and a pair of home-made socks.

For each female over twelve years of age, a flannel skirt, or the goods necessary to make it, a pair of woolen hose, twelve yards of calico, and twelve yards of cotton domestics.

For the boys and girls under the ages named, such flannel and cotton goods as may be needed to make each a suit as aforesaid, together with a pair of woolen hose for each.

[Census.]

And in order that the Commissioner of Indian Affairs may be able to estimate properly for the articles herein named, it shall be the duty of the agent each year to forward to him a full and exact census of the Indians, on which the estimate from year to year can be based.

[Other necessary articles.]

And in addition to the clothing herein named, the sum of ten dollars for each person entitled to the beneficial effects of this treaty shall be

[Appropriation to continue for thirty years.]

annually appropriated for a period of thirty years, while such persons roam and hunt, and twenty dollars for each person who engages in farming, to be used by the Secretary of the Interior in the purchase of such articles as from time to time the condition and necessities of the Indians may indicate to be proper. And if within the thirty years, at any time, it shall appear that the amount of money needed for clothing under this article can be appropriated to better uses for the Indians named herein, Congress may, by law, change the appropriation to other purposes; but in no event shall the amount of this appropriation be withdrawn or discontinued for the period named. And the President shall annually detail

[Army officer to attend the delivery.]

an officer of the Army to be present and attest the delivery of all the goods herein named to the Indians, and he shall inspect and report on the quantity and quality of the goods and the manner of their delivery. And it is hereby expressly stipulated that each Indian over the age of four years, who shall have removed to and settled permanently upon said reservation and complied with the stipulations of this treaty, shall be entitled to receive from the United States, for the period of four years

[Meat and flour.]

after he shall have settled upon said reservation, one pound of meat and one pound of flour per day, provided the Indians cannot furnish their own subsistence at an earlier date. And it is

further stipulated that the United States will furnish and deliver to each lodge of Indians or family of persons legally incorporated with them, who shall remove to the

{Cows and oxen.}

reservation herein described and commence farming, one good American cow, and one good well-broken pair of American oxen within sixty days after such lodge or family shall have so settled upon said reservation.

[Right to occupy territory outside of the reservation surrounding.]

ARTICLE 11. In consideration of the advantages and benefits conferred by this treaty, and the many pledges of friendship by the United States, the tribes who are parties to this agreement hereby stipulate that they will relinquish all right to occupy permanently the territory outside their

[Right to hunt reserved.]

reservation as herein defined, but yet reserve the right to hunt on any lands north of North Platte, and on the Republican Fork of the Smoky Hill River, so long as the buffalo may range thereon in such numbers as to justify the chase. And they, the said Indians, further expressly agree:

[Agreements as to railroads.]

1st. That they will withdraw all opposition to the construction of the railroads now being built on the plains.

2d. That they will permit the peaceful construction of any railroad not passing over their reservation as herein defined.

[Emigrants, etc.]

3d. That they will not attack any persons at home, or travelling, nor molest or disturb any wagon-trains, coaches, mules, or cattle belonging to the people of the United States, or to persons friendly therewith.

[Women and children.]

4th. They will never capture, or carry off from the settlements, white women or children.

[White men.]

5th. They will never kill or scalp white men, nor attempt to do them harm.

[Pacific Railroad, wagon roads, etc.]

6th. They withdraw all pretence of opposition to the construction of the railroad now being built along the Platte River and westward to the Pacific Ocean, and they will not in future

object to the construction of railroads, wagon-roads, mail-stations, or other works of utility or necessity, which may be ordered or permitted by the laws of the United

[Damages for crossing their reservation.]

States. But should such roads or other works be constructed on the lands of their reservation, the Government will pay the tribe whatever amount of damage may be assessed by three disinterested commissioners to be appointed by the President for that purpose, one of said commissioners to be a chief or head-man of the tribe.

[Military posts and roads.]

7th. They agree to withdraw all opposition to the military posts or roads now established south of the North Platte River, or that may be established, not in violation of treaties heretofore made or hereafter to be made with any of the Indian tribes.

[No treaty for cession of reservation to be valid unless, etc.]

ARTICLE 12. No treaty for the cession of any portion or part of the reservation herein described which may be held in common shall be of any validity or force as against the said Indians, unless executed and signed by at least three-fourths of all the adult male Indians, occupying or interested in the same; and no cession by the tribe shall be understood or construed in such manner as to deprive, without his consent, any individual member of the tribe of his rights to any tract of land selected by him, as provided in article 6 of this treaty.

[United States to furnish physician, teachers, etc.]

ARTICLE 13. The United States hereby agrees to furnish annually to the Indians the physician, teachers, carpenter, miller, engineer, farmer, and blacksmiths as herein contemplated, and that such appropriations shall be made from time to time, on the estimates of the Secretary of the Interior, as will be sufficient to employ such persons.

[Present for crops.]

ARTICLE 14. It is agreed that the sum of five hundred dollars annually, for three years from date, shall be expended in presents to the ten persons of said tribe who in the judgment of the agent may grow the most valuable crops for the respective year.

[Reservation to be permanent home of tribes.]

ARTICLE 15. The Indians herein named agree that when the agency-house or other buildings shall be constructed on the reservation named, they will regard said reservation their permanent home, and they will make no permanent settlement elsewhere; but they shall have the right, subject to the conditions and modifications of this treaty, to hunt, as stipulated in Article 11 hereof.

[Unceded Indian territory.]

ARTICLE 16. The United States hereby agrees and stipulates that the country north of the

North Platte River and east of the summits of the Big Horn Mountains shall be held and considered to be unceded Indian territory,

[Not to be occupied by whites, etc.]

and also stipulates and agrees that no white person or persons shall be permitted to settle upon or occupy any portion of the same; or without the consent of the Indians first had and obtained, to pass through the same; and it is further agreed by the United States that within ninety days after the conclusion of peace with all the bands of the Sioux Nation, the military posts now established in the territory in this article named shall be abandoned, and that the road leading to them and by them to the settlements in the Territory of Montana shall be closed.

[Effect of this treaty upon former treaties.]

ARTICLE 17. It is hereby expressly understood and agreed by and between the respective parties to this treaty that the execution of this treaty and its ratification by the United States Senate shall have the effect, and shall be construed as abrogating and annulling all treaties and agreements heretofore entered into between the respective parties hereto, so far as such treaties and agreements obligate the United States to furnish and provide money, clothing, or other articles of property to such Indians and bands of Indians as become parties to this treaty, but no further.

In testimony of all which, we, the said commissioners, and we, the chiefs and headmen of the Brule band of the Sioux nation, have hereunto set our hands and seals at Fort Laramie, Dakota Territory, this twenty-ninth day of April, in the year one thousand eight hundred and sixty-eight.

N. G. Taylor, [SEAL]
W. T. Sherman, [SEAL]
Lieutenant-General.
Wm. S. Harney, [SEAL]
Brevet Major-General U. S. Army.
John B. Sanborn, [SEAL]
S. F. Tappan, [SEAL]
C. C. Augur, [SEAL]
Brevet Major-General.
Alfred H. Terry, [SEAL]
Brevet Major-General U. S. Army.

Attest:

A. S. H. White, Secretary.

Executed on the part of the Brule band of Sioux by the chiefs and headmen whose names are hereto annexed, they being thereunto duly authorized, at Fort Laramie, D. T., the twenty-ninth day of April, in the year A. D. 1868.

Ma-za-pon-kaska, his x mark, Iron Shell. [SEAL]

Wah-pat-shah, his x mark, Red Leaf. [SEAL]
Hah-sah-pah, his x mark, Black Horn. [SEAL]
Zin-tah-gah-lat-skah, his x mark, Spotted Tail. [SEAL]
Zin-tah-skah, his x mark, White Tail. [SEAL]
Me-wah-tah-ne-ho-skah, his x mark, Tall Mandas. [SEAL]
She-cha-chat-kah, his x mark, Bad Left Hand. [SEAL]
No-mah-no-pah, his x mark, Two and Two. [SEAL]
Tah-tonka-skah, his x mark, White Bull. [SEAL]
Con-ra-washta, his x mark, Pretty Coon. [SEAL]
Ha-cah-cah-she-chah, his x mark, Bad Elk. [SEAL]
Wa-ha-ka-zah-ish-tah, his x mark, Eye Lance. [SEAL]
Ma-to-ha-ke-tah, his x mark, Bear that looks behind. [SEAL]
Bella-tonka-tonka, his x mark, Big Partisan. [SEAL]
Mah-to-ho-honka, his x mark, Swift Bear. [SEAL]
To-wis-ne, his x mark, Cold Place. [SEAL]
Ish-tah-skah, his x mark, White Eyes. [SEAL]
Ma-ta-loo-zah, his x mark, Fast Bear. [SEAL]
As-hah-kah-nah-zhe, his x mark, Standing Elk. [SEAL]
Can-te-te-ki-ya, his x mark, The Brave Heart. [SEAL]
Shunka-shaton, his x mark, Day Hawk. [SEAL]
Tatanka-wakon, his Sacred Bull. [SEAL]
Mapia shaton, his x mark, Hawk Cloud. [SEAL]
Ma-sba-a-ow, his x mark, Stands and Comes. [SEAL]
Shon-ka-ton-ka, his x mark, Big Dog. [SEAL]

Attest:

Ashton S. H. White, secretary of commission.
George B. Withs, phonographer to commission.
Geo. H. Holtzman.
John D. Howland.
James C. O'Connor.
Chas. E. Guern, interpreter.
Leon F. Pallardy, interpreter.
Nicholas Janis, interpreter.

[Execution by the Ogallalah band.]

Executed on the part of the Ogallalah band of Sioux by the chiefs and headmen whose names are hereto subscribed, they being thereunto duly authorized, at Fort Laramie, the twenty-fifth day of May, in the year A. D. 1868.

Tah-shun-ka-co-qui-pah, his x mark, Man-afraid-of-his-horses. [SEAL]
Sha-ton-skah, his x mark, White Hawk. [SEAL]
Sha-ton-sapah, his x mark, Black Hawk. [SEAL]
E-ga-mon-ton-ka-sapah, his x mark, Black Tiger. [SEAL]
Oh-wah-she-cha, his x mark, Bad Wound. [SEAL]
Pah-gee, his x mark, Grass. [SEAL]
Wah-non-reh-che-geh, his x mark, Ghost Heart. [SEAL]

Con-reeh, his x mark, Crow. [SEAL]
 Oh-he-te-kah, his x mark, The Brave. [SEAL]
 Tah-ton-kah-he-yo-ta-kah, his x mark, Sitting Bull. [SEAL]
 Shon-ka-oh-wah-mon-ye, his x mark, Whirlwind Dog. [SEAL]
 Ha-hah-kah-tah-mieeh, his x mark, Poor Elk. [SEAL]
 Wam-bu-lee-wah-kon, his x mark, Medicine Eagle. [SEAL]
 Chon-gah-ma-he-to-haus-ka, his x mark, High Wolf. [SEAL]
 Wah-se-chun-ta-sbun-kah, his x mark, American Horse. [SEAL]
 Mah-hah-mah-ha-mak-near, his x mark, Man that walks under the ground. [SEAL]
 Mah-to-tow-pah, his x mark, Four Bears. [SEAL]
 Ma-to-wee-sha-hta, his x mark, One that kills the bear. [SEAL]
 Oh-tah-kee-toka-wee-chakta, his x mark, One that kills in a hard place. [SEAL]
 Tah-ton-kah-ta-mieeh, his x mark, The poor Bull. [SEAL]
 Oh-huns-ee-ga-non-sken, his x mark, Mad Shade. [SEAL]
 Shah-ton-oh-nah-om-minne-ne-oh-minne, his x mark, Whirling Hawk. [SEAL]
 Mah-to-chun-ka-oh, his x mark, Bear's Back. [SEAL]
 Che-ton-wee-koh, his x mark, Fool Hawk. [SEAL]
 Wah-hoh-ke-za-ah-bah, his x mark, One that has the lance. [SEAL]
 Shon-gah-manni-toh-tan-ka-seh, his x mark, Big Wolf Foot. [SEAL]
 Eh-ton-kah, his x mark, Big Mouth. [SEAL]
 Ma-pah-che-tah, his x mark, Bad Hand. [SEAL]
 Wah-ke-yun-shah, his x mark, Red Thunder. [SEAL]
 Wak-sah, his x mark, One that Cuts Off. [SEAL]
 Cham-nom-qui-yah, his x mark, One that Presents the Pipe. [SEAL]
 Wah-ke-ke-yan-puh-tah, his x mark, Fire Thunder. [SEAL]
 Mah-to-nonk-pah-ze, his x mark, Bear with Yellow Ears. [SEAL]
 Con-ree-teh-ka, his x mark, The Little Crow. [SEAL]
 He-hup-pah-toh, his x mark, The Blue War Club. [SEAL]
 Shon-kee-toh, his x mark, The Blue Horse. [SEAL]
 Wam-Balla-oh-con-quo, his x mark, Quick Eagle. [SEAL]
 Ta-tonka-suppa, his x mark, Black Bull. [SEAL]
 Moh-to-ha-she-na, his x mark, The Bear Hide. [SEAL]

Attest:

S. E. Ward.
 Jas. C. O'Connor.
 J. M. Sherwood.
 W. C. Slicer.
 Sam Deon.
 H. M. Matthews.
 Joseph Bissonette, interpreter.
 Nicholas Janis, interpreter.
 Lefroy Jott, interpreter.
 Antoine Janis, interpreter.

[Executed by the Minneconjou band.]

Executed on the part of the Minneconjou band of Sioux by the chiefs and headmen whose

names are hereto subscribed, they being thereunto duly authorized. At Fort Laramie, D. T., May 26, '68, 13 names.

Heh-won-ge-chat, his x mark, One Horn. [SEAL]

Oh-pon-ah-tah-e-manne, his x mark, The Elk that bellows Walking. [SEAL]

At Fort Laramie, D. T., May 25, '68, 2 names.

Heh-ho-lah-reh-cha-skah, his x mark, Young White Bull, [SEAL]

Wah chah chum kah coh kee-pah, his x mark, One that is afraid of Shield. [SEAL]

He-hon-ne-shakta, his x mark, The Old Owl. [SEAL]

Moc-pe-a-toh, his x mark, Blue Cloud. [SEAL]

Oh-pong-ge-le-skah, his x mark Spotted Elk. [SEAL]

Tah-tonk-ka-hon-ke-schne, his x mark, Slow Bull. [SEAL]

Shonk-a-nee-shah-shah-a-tah-pe, his x mark, The Dog Chief. [SEAL]

Ma-to-tah-ta-tonk-ka, his x mark, Bull Bear. [SEAL]

Wom-beh-le-ton-kah, his x mark, The Big Eagle. [SEAL]

Ma-toh-eh-schne-lah, his x mark, The Lone Bear. [SEAL]

Mah-toh-ke-su-yah, his x mark, The One who Remembers the Bear. [SEAL]

Ma-toh-oh-he-to-keh, his x mark, The Brave Bear. [SEAL]

Eh-che-ma-heh, his x mark, The Runner. [SEAL]

Ti-ki-ya, his x mark, The Hard. [SEAL]

He-ma-za, his x mark, Iron Horn. [SEAL]

Attest:

Jas. C. O'Connor.

Wm. H. Brown.

Nicholas Janis, interpreter.

Antoine Janis, interpreter.

[Execution by the Yanctonais band.]

Executed on the part of the Yanctonais band of Sioux by the chiefs and headmen whose names are hereto subscribed, they being thereunto duly authorized.

Mah-to-non-pah, his x mark, Two Bears. [SEAL]

Ma-to-hna-skin-ya, his x mark, Mad Bear. [SEAL]

He-o-pu-za, his x mark, Louzy. [SEAL]

Ah-ke-che-tah-che-ca-dan, his x mark, Little Soldier. [SEAL]

Mah-to-e-tan-chan, his x mark, Chief Bear. [SEAL]

Cu-wi-h-win, his x mark, Rotten Stomach. [SEAL]

Skun-ka-we-tko, his x mark, Fool Dog. [SEAL]

Ish-ta-sap-pah, his x mark, Black Eye. [SEAL]

Ih-tan-chan, his x mark, The Chief. [SEAL]

I-a-wi-ca-ka, his x mark, The one who Tells the Truth. [SEAL]

Ah-ke-che-tah, his x mark, The Soldier. [SEAL]

Ta-shi-na-gi, his x mark, Yellow Robe. [SEAL]

Nah-pe-ton-ka, his x mark, Big Hand. [SEAL]

Chan-tee-we-kto, his x mark, Fool Heart. [SEAL]
Hob-gan-sah-pa, his x mark, Black Catfish. [SEAL]
Mah-to-wah-kan, his x mark, Medicine Bear. [SEAL]
Shun-ka-kau-sha, his x mark, Red Horse. [SEAL]
Wan-rode, his x mark, The Eagle. [SEAL]
Can-hpi-sa-pa, his x mark, Black Tomahawk. [SEAL]
War-he-le-re, his x mark, Yellow Eagle. [SEAL]
Cha-ton-che-ca, his x mark, Small Hawk, or Long Fare. [SEAL]
Shu-ger-mon-e-too-ha-ska, his x mark, Tall Wolf. [SEAL]
Ma-to-u-tah-kah, his x mark, Sitting Bear. [SEAL]
Hi-ha-cah-ge-na-skene, his x mark, Mad Elk. [SEAL]

Arapahoes:

Little Chief, his x mark. [SEAL]
Tall Bear, his x mark. [SEAL]
Top Man, his x mark. [SEAL]
Neva, his x mark. [SEAL]
The Wounded Bear, his x mark. [SEAL]
Thirlwind, his x mark. [SEAL]
The Fox, his x mark. [SEAL]
The Dog Big Mouth, his x mark. [SEAL]
Spotted Wolf, his x mark. [SEAL]
Sorrel Horse, his x mark. [SEAL]
Black Coal, his x mark. [SEAL]
Big Wolf, his x mark. [SEAL]
Knock-knee, his x mark. [SEAL]
Black Crow, his x mark. [SEAL]
The Lone Old Man, his x mark. [SEAL]
Paul, his x mark. [SEAL]
Black Bull, his x mark. [SEAL]
Big Track, his x mark. [SEAL]
The Foot, his x mark. [SEAL]
Black White, his x mark. [SEAL]
Yellow Hair, his x mark. [SEAL]
Little Shield, his x mark. [SEAL]
Black Bear, his x mark. [SEAL]
Wolf Mocassin, his x mark. [SEAL]
Big Robe, his x mark. [SEAL]
Wolf Chief, his x mark. [SEAL]

Witnesses:

Robt. P. McKibbin, captain, Fourth Infantry, brevet lieutenant-colonel, U. S. Army,
commanding Fort Laramie.
Wm. H. Powell, brevet major, captain, Fourth Infantry.
Henry W. Patterson, captain, Fourth Infantry.
Theo. E. True, second lieutenant, Fourth Infantry.
W. G. Bullock.

Chas. E. Guern, special Indian interpreter for the peace commission.

Fort Laramie, Wg. T., Nov. 6, 1868.

Makh-pi-ah-lu-tah, his x mark, Red Cloud. [SEAL]
Wa-ki-ah-we-cha-shah, his x mark, Thunder Man. [SEAL]
Ma-zah-zah-geh, his x mark, Iron Cane. [SEAL]
Wa-umble-why-wa-ka-tuyah, his x mark, High Eagle. [SEAL]
Ko-ke-pah, his x mark, Man Afraid. [SEAL]
Wa-ki-ah-wa-kou-ah, his x mark, Thunder Flying Running. [SEAL]

Witnesses:

W. McE. Dye, brevet colonel, U. S. Army, commanding.
A. B. Cain, captain, Fourth Infantry, brevet major, U. S. Army.
Robt. P. McKibbin, captain, Fourth Infantry, brevet lieutenant-colonel, U. S. Army.
Jno. Miller, captain, Fourth Infantry.
G. L. Luhn, first lieutenant, Fourth Infantry, brevet captain, U. S. Army.
H. C. Sloan, second lieutenant, Fourth Infantry.
Whittingham Cox, first lieutenant, Fourth Infantry.
A. W. Vogdes, first lieutenant, Fourth Infantry.
Butler D. Price, second lieutenant, Fourth Infantry.

HEADQRS., FORT LARAMIE, Novr. 6, '68.

Executed by the above on this date.

All of the Indians are Ogallalabs excepting Thunder Man and Thunder Flying Running, who are Brules.

Wm. McE. Dye,
Major Fourth Infantry, and Brevet-Colonel
U. S. Army, Commanding.

Attest:

Jas. C. O'Connor.
Nicholas Janis, interpreter.
Franc. La Framboise, interpreter
P. J. De Smet, S. J., Missionary among the Indians.
Saml. D. Hinman, B. D., missionary.

[Execution by the Uncpapa band.]

Executed on the part of the Uncpapa band of the Sioux, by the chiefs and headmen whose names are hereto subscribed, they being thereunto and duly authorized.

Co-dam-i-ya, his x mark, The Man that Goes in the Middle. [SEAL]
Ma-to-ca-wa-weksa, his x mark, Bear Rib. [SEAL]
Ta-to-ka-in-yan-ke, his x mark, Running Antelope. [SEAL]

Kan-gi-wa-ki-ta, his x mark, Looking Crow. [SEAL]
A-ki-ci-ta-han-ska, his x mark, Long Soldier. [SEAL]
Wa-ku-te-ma-ui, his x mark, The One who Shoots Walking. [SEAL]
Uu-kca-ki-ka, his x mark, The Magpie. [SEAL]
Kan-gi-o-ta, his x mark, Plenty Crow. [SEAL]
Ha-ma-za, his x mark, Iron Horn. [SEAL]
Shun-ka-i-na-pin, his x mark, Wolf Necklace. [SEAL]
I-we-hi-yu, his x mark, The Man who Bleeds from the Mouth. [SEAL]
He-ha-ka-pa, his x mark, Elk Head. [SEAL]
I-zu-za, his x mark, Grind Stone. [SEAL]
Shun-ka-wi-tko, his x mark, Fool Dog. [SEAL]
Ma-kpi-ya-po, his x mark, Blue Cloud. [SEAL]
Wa-mni-pi-lu-ta, his x mark, Red Eagle. [SEAL]
Ma-to-can-te, his x mark, Bear's Heart. [SEAL]
A-ki-ci-ta-i-tan-cau, his x mark, Chief Soldier. [SEAL]

Attest:

Jas. C. O'Connor.

Nicholas Janis, interpreter.

Franc. La Frambois[e], interpreter.

P. J. DeSmet, S. J., missionary among the Indians.

Saml. D. Hinman, missionary.

[By the Blackfeet band]

Executed on the part of the Blackfeet band of the Sioux by the chiefs and headmen whose names are hereto subscribed, they being thereunto duly authorized.

Can-te-pe-ta, his x mark, Fire Heart. [SEAL]
Wan-mdi-kte, his x mark, The One who Kills Eagle. [SEAL]
Sho-ta, his x mark, Smoke. [SEAL]
Wan-mdi-ma-ni, his x mark, Walking Eagle. [SEAL]
Wa-shi-cun-ya-ta-pi, his x mark, Chief White Man. [SEAL]
Kan-gi-i-yo-tan-ke, his x mark, Sitting Crow. [SEAL]
Pe-ji, his x mark, The Grass. [SEAL]
Kda-ma-ni, his x mark, The One that Rattles as he Walks. [SEAL]
Wah-hau-ka-sa-pa, his x mark, Black Shield. [SEAL]
Can-te-non-pa, his x mark, Two Hearts. [SEAL]

Attest:

Jas. C. O'Connor.

Nicholas Janis, interpreter.

Franc. La Framboise, interpreter.

P. J. DeSmet, S. J., missionary among the Indians.

Saml. D. Hinman, missionary.

[Executed by the Cutheads band.]

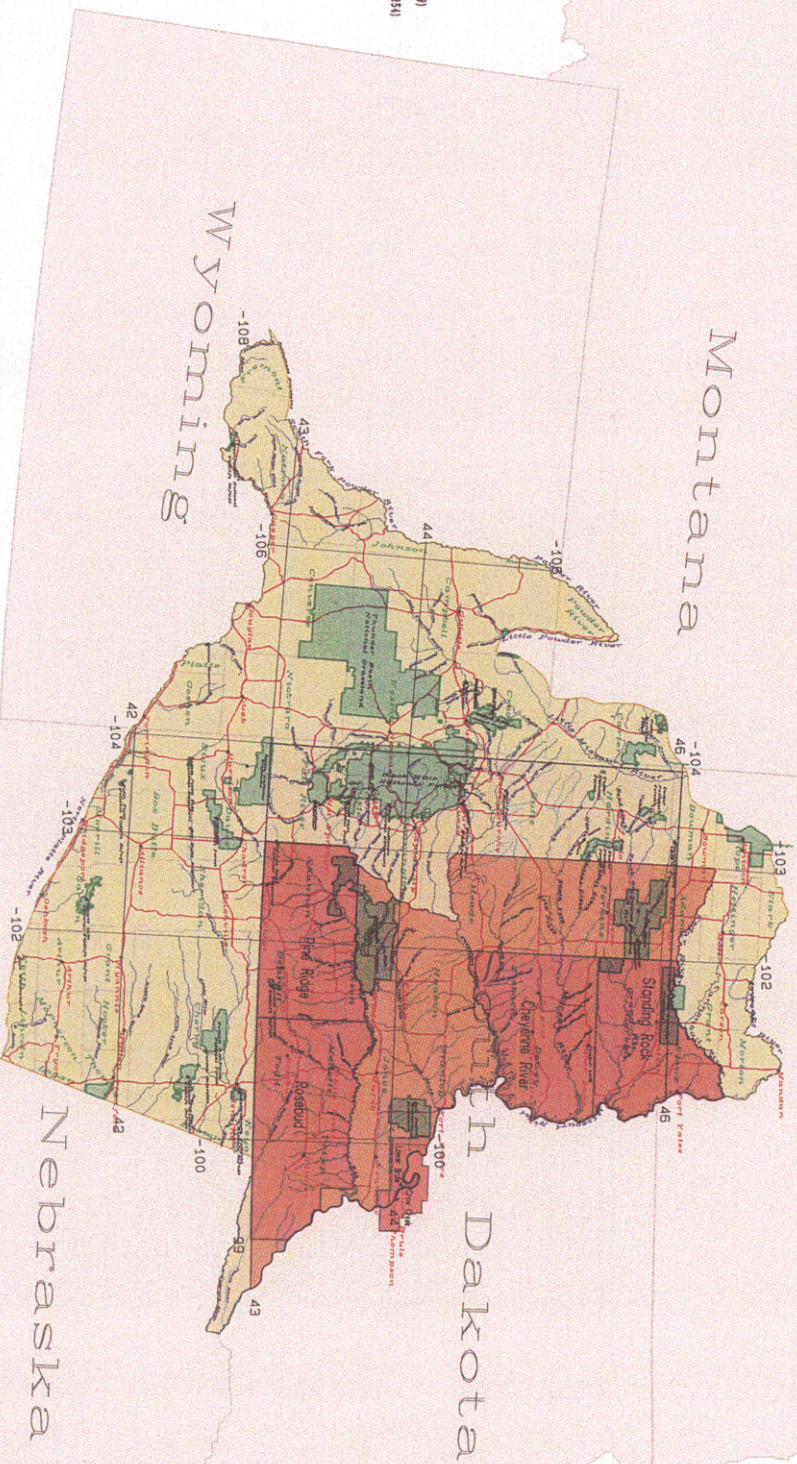
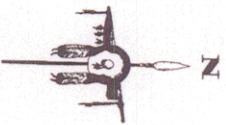
1851 SIOUX NATION FORT LARAMIE TREATY

North Dakota

Montana

LEGEND

- TREATY OF FORT LARAMIE WITH SIOUX, Sept. 17, 1851 (11 Stat. 769)
- TREATY RESERVATION BOUNDARY, April 23, 1868 (15 Stat. 633)
- SIOUX NATION LAND, Act of Feb. 28, 1877 (19 Stat. 354)
- SIOUX NATION LAND, Act of March 3, 1889 (25 Stat. 885)
- FEDERAL LANDS



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08-04-94



BUREAU OF INDIAN AFFAIRS